IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.926 OF 2004

IN

CRIMINAL APPEAL NO. OF 2004.

Smt.Dipali Rajendra Lad : Applicant.

versus.

Shri Dhirajlal Mansangh Shah

and ors. : Respondents.

Mr.Umesh V.Nikam for the applicant.

Mr.D.R.More, APP, for the State.

Respondent Nos. 1 and 2 are served.

CORAM : D.G.DESHPANDE,J.

DATED : 2nd September 2004.

P.C.

1. This is an application for leave to file appeal against the order of acquittal under Section 138 of the Negotiable Instruments Act. Notice of this application was issued to the

respondents. They have been served. Nobody is present for the respondent Nos. 1 and 2. The accused came to be acquitted by the trial court on the ground that the complaint was filed before expiry of 15 days time upon service of notice. Counsel for the applicant has relied upon the judgment of the Supreme Court reported in **(2000) 7 SCC 183 [Narsingh Das Tapadia v. Goverdhan Das Partani & Anr.]**. In view of this judgment, leave is granted. Appeal is admitted. Issue notice to the respondents that the matter is kept for final hearing on 12th January 2005.

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